

AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING

DATEJuly 17, 2002
 TIME7:00 P.M.
 PLACE.....County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Jack Rhoda	John Knochel	James Hawley
Jan Mills	Mike Harris	Sallie Fahey
KD Benson	James Miller	Bernard Gulker
Karl Rutherford	Laura Peterson	John Burns
Steve Schreckengast	Miriam Osborn	Larry Cuculic, Atty.
Stuart Boehning		Julie Holder
Mark Hermodson		
David Williams		
Kathy Vernon		
Jeff Kessler		

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 17th day of July 2002, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

I. BRIEFING SESSION

James Hawley informed the Commission that the following cases should be continued to the August 21, 2002 Area Plan Commission meeting:

- Z-2075—COPPER BEECH TOWN HOMES COMMUNITIES**
- Z-2079—MIKE AULBY’S ARROWHEAD BOWL**
- S-3189—HUNTINGTON FARMS SUBDIVISION, PH. 3 & 4**
- S-3196—EAGLES NEST FARMS PHASE 1, SECTIONS 1,2 &3**

He also mentioned that **S-3194—SKIDMORE MINOR SUBDIVISION** should be continued to the August 7, 2002 Executive Committee meeting.

II. APPROVAL OF MINUTES

Stuart Boehning moved to approve the minutes of the June 19, 2002 public hearing. Karl Rutherford seconded and the motion carried by voice vote.

II. NEW BUSINESS

No New Business.

IV. PUBLIC HEARING

Stuart Boehning moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Karl Rutherford seconded and the motion carried by voice vote.

A. REZONES

Stuart Boehning moved to continue **Z-2075—COPPER BEECH TOWN HOMES COMMUNITITES, LLP, Z-2079—MIKE AULBY'S ARROWHEAD BOWL, S-3189—HUNTINGTON FARMS SUBDIVISION, S-3196—EAGLES NEST FARMS** to the August 21, 2002 Area Plan Commission meeting. Karl Rutherford seconded and the motion was carried by voice vote.

Stuart Boehning moved to continue **S-3194—SKIDMORE MINOR SUBDIVISION** to the August 7, 2002 Executive Committee meeting. Karl Rutherford seconded and the motion was carried by voice vote.

Jack Rhoda read the procedures for the public hearing.

1. **Z-2074—DOROTHY M. BOLLOCK (R1 TO R2):** Petitioner is requesting the rezoning of 11.773 acres on the west side of S. 9th Street about ¼ mile south of CR 350 S across from Waterstone at Valley Lakes in the City of Lafayette, Wea 8 (SE) 22-4.

Stuart Boehning moved to hear and approve the above-described request. Karl Rutherford seconded the motion.

Bernard Gulker read staff comments and an addendum presented at the public hearing with a recommendation for denial. He also read the following letter into the record:

Mary Avery, 1011 Stoneripple Circle Lafayette, IN 47909, opposed to the request.

James Hawley presented slides of the location map, aerial photograph and site plan. He also reiterated staff's recommendation of denial.

Charles Vaughan, representing the petitioner, PO Box 498 Lafayette, IN 47902, presented an enlarged copy of the location map and pointed out where the development would be located on the map. He stated this was an 11-acre tract but only 5.5 acres would be developed. He said the density would be

less than single-family developments. He stated he met with people in the neighborhood and they were not going to object because of the low density of the development. He stated an engineer did the sketch plan and that 5.5 acres would be able to be developed. He reminded the Commission that this was all that was required according to the NUZO. He stated that staff has indicated that 106 units were going to be developed on this land and that is false. He said the staff then reduced the number of units to 50 and that is also incorrect because some of the lots would be more than 7500 square feet. He stated there would only be 36 units developed on this property. He pointed out on the drawing where the units would be and where the access road would be located. He conveyed his frustration with the Area Plan Commission.

Bernard Gulker reminded the petitioner that the rendering was now the property of the Area Plan Commission.

Charles Vaughan disagreed.

Jack Rhoda said it was the Commission's property.

Charles Vaughan agreed.

Steve Schreckengast asked where the access road would be.

Charles Vaughan pointed out where the road would be connecting with 9th Street.

Stuart Boehning asked if the remainder of the property that was not going to be developed was approximately 4 acres.

Charles Vaughan said yes and reiterated that it definitely would not be developed. He said the only thing that could be done was to build a road along the north side and that makes the bottom portion land locked and ineligible to be developed. He said that only leaves 5.5 acres.

Steve Schreckengast suggested reducing the request down to the 5.5 acres that would be developed.

Jack Rhoda asked if procedurally he could reduce the request from the 11 acres down to 5.5 acres.

James Hawley stated only if he has the amended legal description and ordinances.

Charles Vaughan stated he would rather not do that but assured the Commission only 5.5 acres was going to be developed.

The Commission voted by ballot 4 yes – 6 no on **Z-2074—DOROTHY M. BOLLOCK (R1 TO R2).**

YES

David Williams
 Stuart Boehning
 Jack Rhoda
 Steve Schreckengast

NO

Karl Rutherford
 Mark Hermodson
 Jan Mills
 KD Benson
 Jeff Kessler
 Kathy Vernon

Jack Rhoda stated because of an inconclusive vote the case would be heard next month.

2. Z-2076—MANN PROPERTIES (BENJAMIN CROSSING PD)

(A TO PDRS): Petitioner is requesting the rezoning of 160.57 acres at the northeast corner of Concord Road and CR 450S, Wea 15 (NE) 22-4, for 630 mixed-density detached single-family homes, with common areas and 2 outlots.

Stuart Boehning moved to hear and approve the above-described request.
Karl Rutherford seconded.

Bernard Gulker read staff comments with a recommendation of conditional approval contingent on meeting all requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) that make up the Preliminary Plan,
2. A final plat, per *UZO* Appendix B-3-2 as applicable, submitted with Final Detailed Plans or separately, with approved either street names, with cross-access easements identified where alleys are to be situated, and with Tree Preservation Areas clearly marked, together with surety for public improvements (streets and the extension of public utilities) and improvements for common usage (all landscaping and recreational facilities within common areas); and
3. Written backup for the final plat in the form of additional covenants including both a “no vehicular access” statement irrevocable by homeowners, and a requirement, also irrevocable by homeowners, that cross-access easements for alleys will be kept open and maintained by those lot owners whose properties are crossed by these easements.

James Hawley presented slides of the location map, aerial photograph and site plan. He also reiterated staff’s recommendation of conditional approval.

Joseph T. Bumbleburg, representing the petitioner, PO Box 1535 Lafayette, IN 47902, stated this was a family owned business based in Indianapolis. He stated he had previously presented to the Commission a packet with colored renderings of the development and he would be using that in his presentation. He gave a brief background on the company and stated Jerry and Brian Mann, the owners were present tonight to answer any questions if needed. He said this development would be on 160 acres in Wea Township with 630 single-family homes on various lot sizes. He stated the staff report sets up the zoning history. He said the traffic patterns were a result of many meetings with the various groups that would be involved. He pointed out the roundabout that would be used in the neighborhood. He said water and sewer were available to the site. He stated there would be ample greenspace and a playground area for the families who live in the development. He stated there would be adequate buffer. He concurred with the staff report and said this was a very good plan that quite a few people had worked hard on. He mentioned the alleys that would be utilized to make a pleasing aesthetic streetscape. He stated the petitioners agreed with all of the conditions. He asked for a favorable recommendation from the Commission.

Steve Schreckengast asked how wide the alleys would be.

Joseph T. Bumbleburg replied 15 feet.

Steve Schreckengast expressed his concern regarding the narrow alleys and snow removal and cars passing along the alley.

Joseph T. Bumbleburg replied no alley built in the City of Lafayette would permit two-way traffic so the petitioner's proposed alley was standard. He stated people tend to wait at the end of the alley when the occasional two cars happen to be driving on the same alley. He stated the Homeowner's Association would maintain the alleys, and perhaps one day, the City of Lafayette.

Jan Mills stated this was a beautiful development. She commented that the greenspace and architectural style were very nice and she wished there was a similar development on the west side.

Karl Rutherford asked staff what elements could be changed after approval on a Planned Development.

Bernard Gulker stated that there could not be an increase in density and no decrease in density over 10%

The Commission voted by ballot 10 yes – 0 no to recommend approval of **Z-2076—MANN PROPERTIES (BENJAMIN CROSSING PD)** to the County Commissioners.

3. **Z-2077—McCORMICK PLACE, LLC (McCORMICK PLACE, PHASE II PD) (R3 TO PDRS):** Petitioner is requesting the rezoning of 0.73 acres at the southeast corner of McCormick and Lindberg Roads in West Lafayette, Wabash 14 (NE) 23-5, for a 24-units apartment building, with 24 parking spaces.

Stuart Boehning moved to hear and approve the above-described request.
Karl Rutherford seconded.

Bernard Gulker read staff comments with a recommendation of approval, contingent on meeting all requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) that make up the Preliminary Plan;
2. A final plat, per *UZO* Appendix B-3-2 as applicable; and
3. A note on the landscape plan barring canopy trees and tall evergreens from being planted beneath the power lines within the 50' easement along the site's east boundary.

James Hawley presented slides of the location map, aerial photograph and site plan. He also reiterated staff's recommendation of conditional approval.

Daniel Teder, PO Box 280 Lafayette, IN 47902, gave a brief zoning history of the property. He stated because of the annexation of West Lafayette R3 was no longer appropriate and that was why the petitioner was requesting this zoning change. He stated only 24 units would be built with 24 occupants and that would be a requirement in the leasing agreement. He stated there would be 24 parking spaces. He said there would be sidewalks and similar architecture to Blackbird Farms to blend in with the neighborhood. He stated there would be landscaping for buffer, which was shown in the staff report. He stated the petitioner agreed with the conditions and concurred with the staff report. He asked for a favorable recommendation from the Commission.

KD Benson asked if 24 parking spaces were enough for visitors.

Daniel Teder stated they were trying to limit the traffic but visitors could park at close-by available sites within walking distance.

Jan Mills said this area is as dense as it should be but this project did blend in well with the area.

The Commission voted by ballot 10 yes – 0 no to recommend approval of **Z-2077—McCORMICK PLACE, LLC** to the West Lafayette City Council.

4. **Z-2078—ROBERT CUMMINGS (R1 TO A):** Petitioner is requesting the rezoning of 2.95 acres (Parcel B in P83-39) located

southwest of Wea Woodlands Subdivision at 6420 Wea Woodlands Drive, Wea 30(SE) 22-4.

Stuart Boehning moved to hear and approve the above-described request.
Karl Rutherford seconded.

Bernard Gulker read staff comments with a recommendation of approval. He read the following letters into the record:

Darlene Smith, 6430 Wea Woodland Drive Lafayette, IN, opposed.
Dean & Kay Thompson, not opposed to the rezone request.
Ty Vanderkolk, not opposed to the rezone request.
Jerome Flook, opposed to the rezone request.

James Hawley presented slides of the location map and aerial photograph. He also reiterated staff's recommendation of approval.

Robert Cummings, 6420 Wea Woodland Drive Lafayette, IN 47909, presented pictures of the site and a petition of those who approve of the rezone request. He stated they purchased the 2.8-acre tract in 1998 and had contacted Area Plan to see if a landscaping business could be run from this location and was told that could be done. He said he only found out through Zoning Enforcement that he was in violation and asked for the approval of the request so he could rectify the situation. He said the office for the businesses was in the home and any equipment was stored in a pole barn. He stated no customers came to the residence because it was strictly a lawn care business. He stated he has run his business unobtrusively and would like to continue to do so. He stated this business needed to continue for the future well being of his family. He asked for the approval of the zoning request.

Lloyd Wilson, 6500 Wea Woodland Drive Lafayette, IN, stated the trailer that was mentioned before in the letter was not there in 1976.

Jack Rhoda reminded Mr. Wilson to speak on the case being heard tonight.

Lloyd Wilson said he has no problem with Mr. Cummings business and the petitioner has improved the condition of the neighborhood. He stated he did not mind the A zone but did not want a trailer be allowed to be placed on the property. He asked if a covenant could be added that stated no trailer would be allowed to be placed on this land.

Larry Cuculic stated this would have to be recorded and be bound to the land, which would also make any subsequent purchasers of the land tied to the covenant also.

Ellen Lutterloh, 6258 Wea Woodland Drive Lafayette, IN, stated she was concerned with this rezone request. She stated she has lived there since 1968 and the area has been R1 since 1965. She stated the zoning request

would be inappropriate to the area and would be spot zoning. She stated she understood the costs of starting a small business but that should not be a factor in deciding if this zone was appropriate for the neighborhood. She stated the agriculture zone was not appropriate because of the numerous other activities that could be allowed in this zone. She expressed her concerns for increased traffic and the mowers that were transported to and from the site. She expressed concerns of a decrease in property values if this request were passed. She asked that this request be denied.

Don Hoskins, 501 W 625 S Lafayette, IN, expressed concerns for small businesses being allowed in residential areas. He said the only reason the petitioner was asking for the rezone request was because he got caught.

Robert Cummings stated he thought he was in compliance because he had previously received a verbal okay from Area Plan. He stated his property is worth \$350,000 and he did not want to do anything to devalue the neighborhood. He stated all equipment is kept off the street in a pole barn and they go out once in the morning and come back in once in the evening. He asked for those members in the audience who were there to support the rezone request to stand.

Various members of the audience stood.

Jeff Kessler asked if a condition could be attached to the rezone request.

James Hawley said this could not be done on a rezone request.

Jeff Kessler asked if a covenant could be attached before the rezone request was passed.

Larry Cuculic stated the petitioner could have attached a covenant to the case.

James Hawley stated it would be a self-imposed covenant and could be removed by the petitioner.

Jeff Kessler said that if he lived in the neighborhood he would also have the concern that a trailer could be allowed to be on this site.

Sallie Fahey stated this is a 5-acre tract with a house on it. She stated in order to put a mobile home on this site the house would have to be torn down because two principal use buildings could not be on one site. She stated the petitioner could subdivide but the problem with that is there is no public road so that would be very difficult to subdivide.

Jeff Kessler stated his question is to protect the neighbors.

Don Hoskins asked who gave him permission to run his business.

Jack Rhoda said according to Mr. Cumming's testimony he had verbal permission from the Area Plan Staff.

The Commission voted by ballot 7 yes – 3 no on **Z-2078—ROBERT CUMMINGS (R1 TO A).**

YES

Kathy Vernon
 Jeff Kessler
 KD Benson
 Jan Mills
 Mark Hermodson
 David Williams
 Steve Schreckengast

NO

Stuart Boehning
 Karl Rutherford
 Jack Rhoda

Jack Rhoda stated because of an inconclusive vote the case would be heard at next month's meeting.

B. SUBDIVISIONS

1. **S-3181—VALLEY LAKES SHOPPES SUBDIVISION (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 6-lot commercial subdivision on 31.866 acres. The site is located on the south side of CR 350 S and east side of S. 18th Street, in the City of Lafayette, Wea 9 (SE) 22-4. CONTINUED FROM THE JUNE MEETING.

Stuart Boehning moved to hear and vote on the above-described request. Karl Rutherford seconded.

Bernard Gulker read staff comments with a recommendation for conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. The Lafayette City Engineer shall approve the sanitary sewer, water and drainage plans.
2. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District.
3. The County Drainage Board shall approve drainage into the Kirkpatrick Ditch regulated drain.
4. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be

made a part of the utility coordinating sheet.

5. The required bufferyard shall be shown with the standard plant unit details. The bufferyard shall be installed as part of required public improvements.
6. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the Kirkpatrick Ditch Flood Plain shall meet the flood protection grade.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

7. Except for the approved private drive entrances, a "No Vehicular Access" statement shall be platted along the perimeter street right-of-way lines.
8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
10. All required building setbacks shall be platted.
11. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the Kirkpatrick Ditch Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
12. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

13. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
14. The purpose, ownership and maintenance of Outlot A shall be specified.

James Hawley presented slides of the location map, aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

Jerome Withered, representing the petitioner, PO Box 499 Lafayette, IN 47902, stated the petitioner has met with the Waterstone neighborhood and

has come up with a better and approvable solution. He presented a drawing of the proposed entrance. He stated the new entrance would be moved to the south of the site and away from the entrance of Waterstone. He asked for approval of the preliminary plat and requested permission to bond.

Steve Knezovich 1616 Waterstone Drive Lafayette, IN, stated they were in complete agreement with the new solution that has been presented by the petitioner. He asked that his request be approved.

Jeff Kessler commented that he appreciated the efforts the petitioner took to make this development a safe one and also working with the neighborhood to address all of their concerns.

Kathy Vernon expressed her appreciation for the efforts of the petitioner to address the concerns of the neighborhood.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval of **S-3181—VALLEY LAKES SHOPPES SUBDIVISION (MAJOR-PRELIMINARY)**.

The Commission voted by ballot 10 yes – 0 no to permit bonding.

2. **S-3197—LAFAYETTE REDEVELOPMENT SUBDIVISION (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 4-lot commercial/industrial subdivision on 7.28 acres. The site is located at the southeast corner of Union and Erie Streets, in the City of Lafayette, Fairfield 21 (NW) 23-4.

Stuart Boehning moved to hear and vote on the above-described request. Karl Rutherford seconded.

Bernard Gulker read staff comments and recommended conditional primary approval contingent on the following conditions and variances:

Variances

1. A variance to waive the required dedication of additional right-of-way for all adjoining streets.
2. A variance to waive the required improvements to all adjoining streets.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.

James Hawley presented slides of the location map and aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

Robert Foley, representing the petitioner, 10 N 3rd Street Lafayette, IN, stated he was present to answer any questions and would like approval.

Carl Treece, 1721 E 725 N West Lafayette, IN, pointed out on the location map the property he owned on Cincinnati Street, which was lot #87. He expressed his concern for the increase in traffic. He stated he understood why the City of Lafayette would want to create bigger lots so that they would be worth more money but he was concerned with what would go up and the view and noise his property would incur. He expressed traffic safety concerns if Cincinnati Street and Sheridan Street eventually would connect. He stated he thought the best use for the neighborhood would be greenspace.

Kyle Gingrich, 608 Perrin Avenue Lafayette, IN, expressed concerns for the traffic safety on Sheridan Street and Thompson Street. She stated she was concerned about the neighborhood because she owns and lives in the neighborhood and was also a co-chair of the neighborhood association.

Linda Allen, 916 N 10th Street Lafayette, IN, expressed concerns for the example being set by the City of Lafayette because a lack of 15-foot right-of-way. She stated it was not right that the City of Lafayette seek this variance.

Mike Warner, 114 Asher Street Lafayette, IN, stated he would like to keep the integrity of the neighborhood and opposed the request.

Sherry McLauchlan, Lafayette Redevelopment Commission, 20 North 6th Street Lafayette, IN, stated the Lafayette Redevelopment Commission owned this property. She stated this procedure was to draw the lot lines for the future interested property purchasers. She stated the future of the streets was still undecided. She thanked the people who expressed their concerns and would like to make this property compatible with the historical neighborhood. She stated what was being decided on tonight was the property lines which have not been legally recorded as of yet.

The Commission voted by ballot 10 yes – 0 no to grant approval of the first request for variance for **S-3197—LAFAYETTE REDEVELOPMENT SUBDIVISION (MAJOR-PRELIMINARY).**

The Commission voted by ballot 10 yes – 0 no to grant approval of the second request for variance for **S-3197—LAFAYETTE REDEVELOPMENT SUBDIVISION (MAJOR-PRELIMINARY).**

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval of **S-3197—LAFAYETTE REDEVELOPMENT SUBDIVISION (MAJOR-PRELIMINARY).**

3. **S-3198—SHAWNEE RIDGE SUBDIVISION, PHASE 3 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 12-lot addition to the existing subdivision on 3.94 acres. This site is located north of CR 600 N, between SR 43 and Prophets Rock Road, in Tippecanoe 22 (SE) 24-4.

Stuart Boehning moved to hear and vote on the above-described request. Karl Rutherford seconded.

Bernard Gulker read staff comments and recommended conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. The Town of Battle Ground shall approve the sanitary sewer plans.
2. The Battle Ground Water Conservancy District shall approve the water plans.
3. The Tippecanoe Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approved by the Battle Ground Water Conservancy District in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
5. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

7. If there is a mortgage on this property, a recorded partial release or

written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.

8. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
9. The larger front setbacks shall be clearly delineated and labeled differently from the standard.
10. The Battle Ground corporation line shall be labeled.
11. The street addresses and County Auditor's Key Number shall be shown.

James Hawley presented slides of the location map, aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

Marianne Owen, representing the petitioner, PO Box 1010 Lafayette, IN, stated the petitioner agreed with the staff report and all the conditions. She stated the subdivision meets all the requirements set forth by the USO and asked for a vote of approval. She requested for permission to bond.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval of **S-3198—SHAWNEE RIDGE SUBDIVISION, PHASE 3 (MAJOR-PRELIMINARY).**

The Commission voted by ballot 10 yes – 0 no to permit bonding.

4. **S-3199—HANKINS SUBDIVISION (MINOR-SKETCH):**
Petitioner is seeking primary approval for a four-lot subdivision on 6.12 acres. The site is located at the southwest corner of CR 600S and CR 450 E, in Wea 25 (NW) 22-4.

Stuart Boehning moved to hear and vote on the above-described request. Karl Rutherford seconded.

Bernard Gulker read staff comments and recommended conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the CR 450 E right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be

obtained in order to dedicate the necessary right-of-way.

3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.
6. The parent tract remainder shall be attached to an adjoining property by Exemption "E", or divided by another legal process.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the location map, aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

Bob Gross, representing the petitioner, 420 Columbia Street, Suite 100 Lafayette, IN, stated the petitioner agrees with the staff report and all the conditions. He asked for approval of the request.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval of **S-3199—HANKINS SUBDIVISION(MINOR-SKETCH).**

V. ADMINISTRATIVE MATTERS

James Hawley pointed out the memo from Julie Holder regarding receiving post Executive Committee agendas through e-mail. He stated they have decided to post finalized minutes on the website but that draft minutes could be e-mailed to anyone on the Commission.

VI. APPROVAL OF THE AUGUST 2002 EXECUTIVE COMMITTEE AGENDA

Stuart Boehning moved that the August 7, 2002 Executive Committee Agenda be approved as submitted. Karl Rutherford seconded and the motion was carried by voice vote.

VII. DIRECTORS REPORT

James Hawley informed the Commission that Julie Holder would be replacing Glenda Robinette as Executive Secretary so staff would be looking to fill the position of Recording Secretary. He mentioned that Glenda Robinette moved

to the Health Department not only for a change but it was an increase in a level and in pay. He stated he would like to see Area Plan Commission's support staff salaries for Executive Secretary and Bookkeeper be raised to the same level so that they would be able to retain competent people in key support staff positions.

VIII. CITIZENS' COMMENTS AND GRIEVANCES

KD Benson mentioned that she received a letter from Sue Scholer that she had received from a member of congress, Donald Manzullo, that proposed federalizing zoning and planning issues. She stated she brought up the issue so people would be informed.

X. ADJOURNMENT

Stuart Boehning moved that the meeting be adjourned. Karl Rutherford seconded and the motion carried by voice vote.

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Julie Holder
Recording Secretary

Reviewed by,

James D. Hawley, AICP
Executive Director